

TITLE 11

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 11.01 General.
- 11.02 Principles of Criminal Culpability.
- 11.03 Parties to Offenses - Accountability.
- 11.04 Justification and Exemptions from Responsibility.
- 11.05 Responsibility.
- 11.06 Offenses Relating to Public Peace, Order and Safety.
- 11.07 Offenses Against Personal and Real Property.
- 11.08 Offenses Relating to Intoxicating Liquor and Drugs.
- 11.09 Offenses Relating to Morals.
- 11.10 Offenses Relating to Gambling.
- 11.11 Public Nuisances.
- 11.12 Offenses Relating to Governmental Operations.
- 11.13 Offenses Relating to Minors.
- 11.14 Possession of Tobacco Products by Minors Prohibited.
- 11.15 Graffiti.

CHAPTER 11.01

General.

Sections:

- 11.01.010 Authority.
- 11.01.020 Purpose.
- 11.01.030 Penalties.

11.01.010 Authority. The Town of Parachute hereby adopts Title 11 relating to public peace, safety and morals in accordance with the powers granted it in Section 31-15-401 C.R.S., as amended.

(Ord. 200 §1, 1982; Amended Ord. 472 §1, 2003)

11.01.020 Purpose. This Title shall be construed in such manner as to promote maximum fulfillment of its general purposes, namely:

A. To define offenses, to define adequately the act and mental state which constitute each offense, to place limitations upon the condemnation of conduct as criminal when it is without fault, and to give fair warning to all persons concerning the nature of the conduct prohibited and the penalties authorized upon conviction;

B. To forbid the commission of offenses, and to prevent their occurrence through the deterrent influence of the sentences authorized; to provide for the rehabilitation of those convicted, and their punishment when required in the interest of public protection.

(Ord. 200 §1, 1982)

11.01.030 Penalties.

A. Unless otherwise specified, any person violating any of the provisions of any ordinance of the Town of Parachute shall be deemed guilty of a municipal offense. All such offenses are divided into three (3) categories of municipal offenses. The three (3) classifications, and maximum penalties which may be imposed, for each classification are as follows:

CLASS	MAXIMUM FINE	MAXIMUM IMPRISONMENT
A	\$1,000.00	One (1) year
B	\$500.00	Six (6) Months
Non-Criminal	\$500.00	None

If any particular offense carries a specific penalty, then that penalty shall apply. Any offense not otherwise classified which does not carry a specific penalty is hereby denominated as a Class B municipal offense. Upon conviction of any violation contained in this Title, a person shall be punished by a fine not to exceed the amount set forth above, by incarceration not to exceed the amount set forth above, if any, or by both such fine and incarceration, if applicable. (Amended Ord. 565 §1, 2007).

B. A separate and distinct offense shall be deemed to have been committed for each day on which any violation of this Title shall continue.

C. For the purposes of this Title, a "juvenile offender" is defined as any person accused of an offense under this Title who, on the date of the alleged offense, was at least 10 years of age, but had not yet attained the age of eighteen (18) years.

D. Any juvenile offender convicted of a violation of this Title shall be punished by a fine not to exceed the amounts set forth in subsection (A) of this Section, unless otherwise specified for a particular offense. Notwithstanding any provision of this Title to the contrary, a juvenile offender shall not be subject to imprisonment except as herein provided.

E. Notwithstanding any provision of law to the contrary, the Parachute Municipal Court shall have the authority to order a juvenile offender confined in a juvenile detention facility operating or contracted by the Colorado Department of Institutions or a temporary holding facility operated by or under contract with a municipal government for failure to comply with a lawful order of the Court, including an order to pay a fine imposed under this Title. Any confinement of a juvenile offender for contempt of Municipal Court shall not exceed forty-eight (48) hours.

F. Notwithstanding any provision of law to the contrary, a juvenile offender arrested for an alleged violation of this Title, convicted of violating a provision under this Title or probation conditions imposed by the Municipal Court for a violation under this Title, or found in contempt of Court in connection with a violation or alleged violation of this Title shall not be confined in a jail, lock-up, or other place used for the confinement of adult offenders, but may be held in a juvenile detention facility operated by or under contract with the Colorado Department of Institutions or a temporary holding facility operated by or under contract with a municipal government which shall receive and provide care for such child. The Municipal Court, in imposing penalties for violation of probation conditions imposed or for contempt of Court in connection with a violation or alleged violation of this Title may confine a juvenile offender for up to forty-eight (48) hours in a juvenile detention facility operated by or under contract with the Colorado Department of Institutions.

(Ord. 472 §2, 2003, Ord. 565, §1, 2007)

CHAPTER 11.02

Principles of Criminal Culpability.

Sections:

11.02.010	Definitions.
11.02.020	Requirements For Criminal Liability.
11.02.030	Construction of Sections With Respect to Culpability Requirements.
11.02.040	Effect of Ignorance or Mistake.
11.02.050	Consent.
11.02.055	Criminal Attempt.
11.02.060	Applicability.

11.02.010 Definitions. The following definitions are applicable to the determination of culpability requirements for offenses defined in this Title as well as any other criminal offenses or ordinance violations prosecuted in the Parachute Municipal Court.

- A. "Act" means a bodily movement, and includes words and possession of property.
- B. "Conduct" means an act or omission and its accompanying state of mind or, where relevant, a series of acts or omissions.
- C. "Criminal negligence". A person acts with criminal negligence when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists.
- D. "Culpable mental state" means intentionally, or with intent, or knowingly, or willfully, or recklessly, or with criminal negligence, as these terms are defined in this Section.
- E. "Intentionally" or "with intent". All offenses or ordinance violations in which the mental culpability requirement is expressed as "intentionally" or "with intent" are declared to be specific intent offenses. A person acts "intentionally" or "with intent" when his conscious objective is to cause the specific result proscribed by the statute defining the offenses. It is immaterial to the issue of specific intent whether or not the result actually occurred.
- F. "Knowingly" or "willfully". All offenses or ordinance violations in which the mental culpability requirement is expressed as "knowingly" or "willfully" are declared to be general intent crimes. A person acts "knowingly" or "willfully" with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists. A person acts "knowingly" or "willfully" with respect to a result of his conduct, when he is aware that his conduct is practically certain to cause the result.
- G. "Omission" means a failure to perform an act as to which a duty or performance is imposed by law.

H. “Recklessly”. A person acts recklessly when he consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

I. “Voluntary act” means an act performed unconsciously as a result of effort or determination, and includes the possession of property if the actor was aware of his physical possession or control thereof for a sufficient period to have been able to terminate it.

(Ord. 200 §1, 1982)

11.02.020 Requirements For Criminal Liability. The minimum requirement for criminal liability is the performance by a person of conduct which includes a voluntary act or the omission to perform an act which he is physically capable of performing. If that conduct is all that is required for commission of a particular offense, or if an offense or some material element thereof does not require a culpable mental state on the part of the actor, the offense is one of “strict liability”. If a culpable mental state on the part of the actor is required with respect to any material element of an offense, the offense is one of “mental culpability”.

(Ord. 200 §1, 1982)

11.02.030 Construction of Sections With Respect to Culpability Requirements.

A. When the commission of an offense, or some element of an offense, requires a particular culpable mental state, that mental state is ordinarily designated by use of the terms “intentionally”, “with intent”, “knowingly”, “willfully”, “recklessly”, or “criminal negligence”.

B. Although no culpable mental state is expressly designated in a section defining an offense, a culpable mental state may nevertheless be required for the commission of that offense, or with respect to some or all of the material elements thereof, if the proscribed conduct necessarily involves such a culpable mental state.

C. If an ordinance provides that criminal negligence suffices to establish an element of an offense, that element also is established if a person acts recklessly, knowingly, or intentionally. If recklessness suffices to establish an element, that element also is established if a person acts knowingly or intentionally. If acting knowingly suffices to establish an element that element also is established if a person acts intentionally.

D. When a Section defining an offense prescribes an element thereof a specified culpable mental state, that mental state is deemed to apply to every element of the offense unless an intent to limit its application clearly appears.

(Ord. 200 §1, 1982)

11.02.040 Effects of Ignorance or Mistake.

A. A person is not relieved of criminal liability for conduct because he engaged in that conduct under a mistaken belief of fact, unless:

1. It negates the existence of a particular mental state essential to commission of the offense; or
2. The ordinance defining the offense or an ordinance relating thereto expressly provides that a factual mistake or the mental state resulting therefrom constitutes a defense or exemption; or
3. The factual mistake or the mental state resulting therefrom is of a kind that supports a defense of justification as defined in this Title.

B. A person is not relieved of criminal liability for conduct because he engages in that conduct under a mistaken belief that it does not, as a matter of law, constitute an offense, unless the conduct is permitted by one of the following:

1. A statute or ordinance binding in this State and Town;
2. An administrative regulation, order, or grant of permission by a body or official authorized and empowered to make such order or grant the permission under the laws of the Town of Parachute and that State of Colorado;
3. An official written interpretation of the ordinance or law relating to the offense, made or issued by a public servant, agency, or body legally charged or empowered with the responsibility of administering, enforcing, or interpreting an ordinance, regulation, order, or law. If such interpretation is by judicial decision, it must be binding in the Town of Parachute and the State of Colorado.

C. Any defense authorized by this Section is an affirmative defense.

(Ord. 200 §1, 1982)

11.02.050 Consent.

A. The consent of the victim to conduct charged to constitute an offense or to the result thereof is not a defense unless the consent negates an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

B. When conduct is charged to constitute an offense because it causes or threatens bodily injury, consent to that conduct or to the infliction of that injury is a defense only if the bodily injury consented to or threatened by the conduct consented to is not serious, or the conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport, or the consent established a justification under this Title.

C. Unless otherwise provided by this Title or by the law defining the offense, assent does not constitute consent if:

1. It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense; or
2. It is given by a person who, by reason of immaturity, mental disease or mental defect, or intoxication, is manifestly unable and is known or reasonably should be known by the defendant to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
3. It is given by a person whose consent is sought to be prevented by the law defining the offense; or
4. It is induced by force, duress, or deception.

D. Any defense authorized by this Section is an affirmative defense.

(Ord. 200 §1, 1982)

11.02.055 Criminal Attempt.

A. A person commits criminal attempt if, acting with the kind of culpability otherwise required for commission of an offense, he engages in conduct constituting a substantial step toward the commission of the offense. A substantial step is any conduct, whether an act, omission, or possession, which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense. Factual or legal impossibility of committing the offense is not a defense if the offense could have been committed had the attendant circumstances been as the actor believed them to be, nor is it a defense that the crime attempted was actually perpetrated by the accused.

B. A person who engages in conduct intending to aid another to commit an offense commits criminal attempt if the conduct would establish his complicity under Section 11.03.030 were the offense committed by the other person, even if the other is not guilty of committing or attempting the offense.

C. It is an affirmative defense to a charge under this Section that the defendant abandoned his effort to commit the crime or otherwise prevented its commission, under circumstances manifesting the complete and voluntary renunciation of his criminal intent.

(Ord. 472 §3, 2003)

11.02.060 Applicability. The provisions of this Chapter 2 of Title 11 shall apply, where applicable, to all other offenses or violations of the Parachute Municipal Code.

(Ord. 200 §1, 1982)

CHAPTER 11.03

Parties To Offenses - Accountability.

Sections:

- 11.03.010 Liability Based Upon Behavior.
- 11.03.020 Behavior of Another.
- 11.03.030 Complicity.
- 11.03.040 Exemptions From Liability Based Upon Behavior of Another.
- 11.03.050 Liability Based on Behavior of Another - No Defense.

11.03.010 Liability Based Upon Behavior. A person is guilty of any offense prosecuted in the Parachute Municipal Court if it is committed by the behavior of another person for which he is legally accountable as provided in this Chapter.

(Ord. 200 §1, 1982)

11.03.020 Behavior of Another.

A. A person is legally accountable for the behavior of another person if:

1. He is made accountable for the conduct of that person by the ordinance defining the offense or by specific provision of this Title; or
2. He acts with the culpable mental state sufficient for the commission of the offense in question and he causes an innocent person to engage in such behavior.

B. As used in subsection (A) of this Section, "innocent person" includes any person who is not guilty of the offense in question, despite his behavior because of duress, legal incapacity or exemption, or unawareness of the criminal nature of the conduct in question or of the defendant's criminal purpose, or any other factor precluding the mental state sufficient for the commission of the offense in question.

(Ord. 200 §1, 1982)

11.03.030 Complicity. A person is legally accountable as principal for the behavior of another constituting a criminal offense if, with the intent to promote or facilitate the commission of the offense, he aids, abets, or advises the other person in planning or committing the offense.

(Ord. 200 §1, 1982)

11.03.040 Exemptions From Liability Based Upon Behavior of Another.

A. Unless otherwise provided by the section defining the offense, a person shall not be legally accountable for behavior of another constituting an offense if he is a victim of that offense or the offense is so defined that his conduct is inevitably incidental to its commission.

B. It shall be an affirmative defense to a charge under Section 11.03.030 if, prior to the commission of the offense, the defendant terminated his effort to promote or facilitate its commission and either gave timely warning to law enforcement authorities or gave timely warning to the intended victim.

(Ord. 200 §1, 1982)

11.03.050 Liability Based on Behavior of Another - No Defense. In any prosecution for an offense in which criminal liability is based upon the behavior of another pursuant to this Chapter, it is no defense that the other person has not been prosecuted for or convicted of any offense based upon the behavior in question or has been convicted of a different offense or degree of offense, or the defendant belongs to a class of persons who by definition of the offense are legally incapable of committing the offense in an individual capacity.

(Ord. 200 §1, 1982)

CHAPTER 11.04

Justification and Exemptions From Criminal Responsibility.

Sections:

- 11.04.010 Execution of Public Duty.
- 11.04.020 Choice of Evils.
- 11.04.030 Use of Physical Force - Special Relationships.
- 11.04.040 Use of Physical Force in Defense of a Person.
- 11.04.050 Use of Physical Force in Defense of Premises.
- 11.04.060 Use of Physical Force in Defense of Property.
- 11.04.070 Use of Physical Force in Making an Arrest.
- 11.04.080 Duress.
- 11.04.090 Entrapment.
- 11.04.100 Affirmative Defense.

11.04.010 Execution of Public Duty. Unless inconsistent with other provisions of this Chapter, defining justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute an offense under any Parachute ordinance is justifiable and not criminal when it is required or authorized by a provision of law or a judicial decree binding in Parachute, Colorado.

(Ord. 200 §1, 1982)

11.04.020 Choice of Evils.

A. Unless inconsistent with other provisions of this Chapter, defining justifiable use of physical force or with some other provision of law, conduct which would otherwise constitute an offense under any Parachute ordinance is justifiable and not criminal when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of the actor, and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by the ordinance defining the offense in issue.

B. The necessity and justifiability of conduct under subsection (A) of this Section shall not rest upon considerations pertaining only to the morality and advisability of the ordinance, either in its general application or with respect to its application to a particular class of cases arising thereunder. When evidence relating to the defense of justification under this Section is offered by the defendant, before it is submitted for the consideration of the jury, the Court shall first rule as a matter of law whether the claimed facts and circumstances would, if established, constitute a justification.

(Ord. 200 §1, 1982)

11.04.030 Use of Physical Force - Special Relationships.

A. The use of physical force upon another person which would otherwise constitute an offense under any Parachute ordinance is justifiable and not criminal under any of the following circumstances:

1. A parent, guardian, or other person entrusted with the care and supervision of a minor or an incompetent person, and a teacher or other person entrusted with the care and supervision of a minor, may use reasonable and appropriate physical force upon the minor or incompetent person when and to the extent it is reasonably necessary and appropriate to maintain discipline or promote the welfare of the minor or incompetent person.

2. A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under his direction, may use reasonable and appropriate physical force when and to the extent that it is necessary to maintain order and discipline.

3. A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious bodily injury upon himself may use reasonable and appropriate physical force upon that person to the extent that it is reasonably necessary to thwart the result.

4. A duly licensed physician, or a person acting under his direction, may use reasonable and appropriate physical force for the purpose of administering a recognized form of treatment which he reasonably believes to be adapted to promoting the physical or mental health of the patient if:

a. The treatment is administered with the consent of the patient, or if the patient is a minor or an incompetent person, with the consent of his parent, guardian, or other person entrusted with his care and supervision; or

b. The treatment is administered in an emergency when the physician reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient would consent.

(Ord. 200 §1, 1982)

11.04.040 Use of Physical Force in Defense of a Person.

A. Except as provided in subsection (B) of this Section, a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the infliction or imminent infliction of bodily harm, if there exists an actual and real danger of such physical harm. A person may use a minimum degree of force which he reasonably believes to be necessary and is actually necessary for that purpose. Provided, however, a person justified in using such physical force may not at any time become an aggressor.

B. Notwithstanding the provisions in subsection (A) of this Section, a person is not justified in using physical force if:

1. The physical force involved is used to resist any arrest or to interfere with any arrest which he knows is being made by a peace officer, even though the arrest is unlawful; or
2. With intent to cause bodily injury or death to another person, he provokes the use of unlawful physical force by that other person; or
3. He is the initial aggressor, except that his use of physical force upon another person under the circumstances is justifiable if he withdraws from the encounter and effectively withdraws from the encounter and effectively communicates to the other person his intent to do so, but the latter nevertheless continues or threatens the infliction of bodily harm; or
4. The physical force involved is the product of combat by agreement not specifically authorized by law.

(Ord. 200 §1, 1982)

11.04.050 Use of Physical Force in Defense of Premises. A person in possession or control of any building, realty, or other premises, or a person who is licensed or privileged to be thereon, is justified in using reasonable and appropriate physical force upon another person when and to the extent that it is reasonably and actually necessary to prevent or terminate what reasonably believes to be the commission or attempted commission of an unlawful trespass by the other person in or upon the building, realty, or premises.

(Ord. 200 §1, 1982)

11.04.060 Use of Physical Force in Defense of Property. A person is justified in using reasonable and appropriate physical force upon another person when and to the extent that it is reasonably and actually necessary to prevent what he reasonably believes to be an attempt by the other person to commit theft, criminal mischief, or criminal tampering involving property.

(Ord. 200 §1, 1982)

11.04.070 Use of Physical Force in Making Arrest.

A. A peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:

1. To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or

2. To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.

B. For purposes of this Section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is affecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsection (A) of this Section unless the warrant is invalid and is known by the officer to be invalid.

C. A person who has been directed by a peace officer to assist him to effect an arrest or to prevent an escape from custody is justified in using reasonable and appropriate physical force when and to the extent that he reasonably believes that force to be necessary to carry out the peace officer's direction, unless he knows that the arrest or prospective arrest is not authorized.

D. A private person acting on his own account is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest, or to prevent the escape from custody of an arrested person who has committed an offense in his presence.

(Ord. 200 §1, 1982)

11.04.080 Duress. A person may not be convicted of an offense, based upon conduct in which he engaged, because of the use or threatened use of unlawful force upon him or upon another person, which force or threatened use thereof a reasonable person in his situation would have been unable to resist. This defense is not available when a person intentionally or recklessly places himself in a situation in which it is foreseeable that he will be subjected to such force or threatened use thereof.

(Ord. 200 §1, 1982)

11.04.090 Entrapment. The commission of acts which would otherwise constitute an offense is not criminal if the defendant engaged in the proscribed conduct because he was induced to do so by a law enforcement official or other person acting under his direction, seeking to obtain evidence for the purpose of prosecution, and the methods used to obtain that evidence were such as to create a substantial risk that the acts would be committed by a person who, but for such inducement, would not have conceived of or engaged in conduct of the sort induced. Merely affording a person an opportunity to commit an offense is not entrapment even though representations or inducements calculated to overcome the offender's fear of detection are used.

(Ord. 200 §1, 1982)

11.04.100 Affirmative Defense. The issues of justification or exemption from criminal liability under this Chapter are affirmative defenses in any prosecution of a criminal offense in the Parachute Municipal Court.

(Ord. 200 §1, 1982)

CHAPTER 11.05

Responsibility.

Sections:

- 11.05.010 Insufficient Age.
- 11.05.020 Intoxication.
- 11.05.030 Responsibility - Affirmative Defense.

11.05.010 Insufficient Age. No child under ten years of age shall be found guilty of any offense prosecuted in the Parachute Municipal Court.

(Ord. 200 §1, 1982)

11.05.020 Intoxication.

A. Intoxication of the accused is not a defense to any Parachute criminal offense, except as provided in subsection (B) of this Section.

B. A person is not criminally responsible for his conduct if, by reason of intoxication that is not self induced at the time he acts, he lacks capacity to conform his conduct to the requirements of the law.

C. "Intoxication" as used in this Section means a disturbance of mental or physical capacities resulting from the introduction of any substance into the body.

D. "Self-induced intoxication" means intoxication caused by substances which the defendant knows or ought to know have the tendency to cause intoxication and which he knowingly introduced or allowed to be introduced into his body, unless they were introduced pursuant to medical advice or under similar circumstances that would afford a defense to a criminal offense.

(Ord. 200 §1, 1982)

11.05.030 Responsibility - Affirmative Defense. The issue of responsibility under this Chapter is an affirmative defense in any prosecution of a criminal offense in the Parachute Municipal Court.

(Ord. 200 §1, 1982)

CHAPTER 11.06

Offenses Relating to Public Peace, Order and Safety.

Sections:

- 11.06.010 Obstructing Highway or Other Passageway.
- 11.06.020 Disrupting Lawful Assembly.
- 11.06.030 Interference with Staff, Faculty or Students of Educational Institution.
- 11.06.040 Public Buildings - Trespass, Interference.
- 11.06.050 Harassment.
- 11.06.060 Disorderly Conduct.
- 11.06.065 Assault and Battery.
- 11.06.070 Disturbing the Peace.
- 11.06.080 Loitering.
- 11.06.090 Hindering Transportation.
- 11.06.100 Throwing Missiles.
- 11.06.110 Unlawful to Carry Concealed Weapon.
- 11.06.120 Prohibited Use of Weapons.
- 11.06.130 Selling Weapons to Intoxicated Persons Prohibited.
- 11.06.140 Storage of Explosives Prohibited.
- 11.06.150 Reckless Endangerment.
- 11.06.160 Possession of Illegal Weapon.
- 11.06.170 Reporting Requirements.

11.06.010 Obstructing Highway or Other Passageway.

A. An individual or corporation commits an offense if without legal privilege he intentionally, knowingly, or recklessly:

1. Obstructs a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway, or hallway to which the public or a substantial group of the public has access or any other place used for the passage of persons, vehicles or conveyances, whether the obstruction arises from his acts alone or from his acts and the acts of others; or

2. Disobeys a reasonable request or order to move issued by a person he knows to be a peace officer, a fireman, or a person with authority to control the use of the premises, to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot or other hazard.

B. For purposes of this Section, "obstruct" means to interfere with, to render impassable or to render passage unreasonably inconvenient or hazardous.

C. Any person who violates this Section commits a Class B municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003)

11.06.020 Disrupting Lawful Assembly. A person commits the Class A municipal offense of disrupting lawful assembly if, intending to prevent or disrupt any lawful meeting, procession, or gathering, he significantly obstructs or interferes with the meeting, procession, or gathering by physical action, verbal utterance, or any other means.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003)

11.06.030 Interference with Staff, Faculty or Students of Educational Institution.

A. No person shall, on or near the premises or facilities of any educational institution, willfully deny to students, school officials, employees and invitees:

1. Lawful freedom of movement on the premises;
2. Lawful use of the property or facilities of the institution;
3. The right of lawful ingress and egress to the institution's physical facilities.

B. No person shall, on the premises of any educational institution or at or in any building or other facility being used by any educational institution, willfully impede the staff or faculty of such institution in the lawful performance of their duties or willfully impede a student of the institution in the lawful pursuit of his educational activities through the use of restraint, abduction, coercion, or intimidation or when force and violence are present or threatened.

C. No person shall willfully refuse or fail to leave the property of or any building or other facility used by any educational institution upon being requested to do so by the chief administrative officer, or his designee charged with maintaining order on the school premises and in its facilities, if such person is committing, threatens to commit, or incites others to commit any act which would disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions of the institution.

D. It shall be an affirmative defense that the defendant was exercising his right to lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an educational institution and its employees, any contractor or subcontractor, or any employee thereof.

E. Any person who violates this Section commits a Class A municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003)

11.06.040 Public Buildings - Trespass, Interference.

A. No person shall so conduct himself at or in any public building owned, operated, or controlled by a public or governmental entity as to willfully deny to any public official, public

employee, or invitee on such premises the lawful rights of such official, employee, or invitee to enter, to use the facilities of, or to leave any such public building.

B. No person shall, at or in any such public building, willfully impede any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion, or intimidation or by force and violence or threat thereof.

C. No person shall willfully refuse or fail to leave any such public building upon being requested to do so by the chief administrative officer or his designee charged with maintaining order in such public building, if the person has committed, is committing, threatens to commit, or incites others to commit any act which did, or would if completed, disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions being carried on in the public building.

D. No person shall, at any meeting or session conducted by any judicial, legislative, or administrative body or official at or in any public building willfully impede, disrupt, or hinder the normal proceedings of such meeting or session by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting the meeting or session or by any act designed to intimidate, coerce, or hinder any member of such body or official engaged in the performance of duties at such meeting or session.

E. No person shall, by any act of intrusion into the chamber or other areas designated for the use of any executive body or official at or in any public building willfully impede, disrupt, or hinder the normal proceedings of such body or official.

F. The term "public building", as used in this Section, includes any premises being temporarily used by a public officer or employee in the discharge of his official duties.

G. It shall be an affirmative defense that the defendant was exercising his right to lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between the Town and its employees, and contractor or subcontractor or any employee thereof.

H. Any person who violates this Section commits a Class A municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003)

11.06.050 Harassment.

A. A person commits the Class A municipal offense of Harassment if, with intent to harass, annoy, or alarm another person, he or she:

1. Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or

2. In a public place directs obscene language or makes an obscene gesture to or at another person; or

3. Follows a person in or about a public place; or
4. Initiates communication with a person, anonymously or otherwise by telephone, or by the internet, or by a text message in a manner intended to harass or threaten bodily injury or property damage, or make any comment, request, suggestion, or proposal by telephone, internet or text message which is obscene; or
5. Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
6. Repeatedly insult, taunts, or challenges another in a manner likely to provoke a violent or disorderly response.

B. As used in this Section, unless the context otherwise requires,

1. “obscene” means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, analingus, or excretory functions.

2. “annoy” means to irritate with a nettling or exasperating effect.

3. “alarm” means to arouse to a sense of danger, to put on the alert, to strike with fear, to fill with anxiety as to threaten danger or harm.

C. Any act prohibited by paragraphs (4) and (5) of subsection (A) of this Section may be deemed to have occurred or to have been committed at the place at which the telephone call, internet message or text message was either made or received.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003; Amended Ord. 599§1, 2009)

11.06.060 Disorderly Conduct. It shall be unlawful for any person to commit disorderly conduct. A person commits disorderly conduct if he or she intentionally, knowingly, or recklessly:

A. Uses abusive, indecent, profane, or vulgar language in a public place, and the language by its very utterance tends to incite an immediate breach of the peace;

B. Abuses or threatens a person in a public place in an obviously offensive manner;

C. Urinates or defecates in any public place not designed for such purpose;

D. Exposes his genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person;

E. Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm;

- F. Begs on any public way or in any place which is public in nature.

Any person who violates subsections (A), (B), (D), and (E) of this Section commits a Class A municipal offense. Any person who violates subsections (F) of this Section commits a Class B municipal offense. Any person who violates subsection (C) of this Section commits a non-criminal municipal offense.

(Ord. 180, 1982; Amended Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003; Amended Ord. 599 §2, 2009; Amended Ord. 628 §1, 2011)

11.06.065 Assault and Battery.

A. Any person who intentionally, knowingly, or recklessly assaults, strikes, fights, injures or commits battery upon the person of another, except in an amateur or professional contest of athletic skill, commits a Class A municipal offense.

B. "Assault" as used in this Section shall mean an attempt, coupled with a present ability, to commit a bodily injury upon the person of another. "Battery" as used in this Section shall mean any use of force or violence upon the person of another.

(Ord. 472 §4, 2003)

11.06.070 Disturbing the Peace.

A. A person commits the offense of disturbing the peace if he intentionally, knowingly, or recklessly disturbs the peace and quiet of others by violent or tumultuous carriage or conduct or by making loud, unusual or unreasonable noise in a public place or near or in a private residence, whether or not he has a right to occupy said residence.

B. A person commits the offense of disturbing the peace if he knowingly allows or permits other persons to congregate in a dwelling or other premises under his control where the conduct of such persons disturbs the peace and quiet of others by violent or tumultuous carriage or conduct or by making loud, unusual or unreasonable noise near a private residence.

C. Any person who violates this Section commits a Class B municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003)

11.06.080 Loitering.

A. The word "loiter" means to be dilatory, to stand idly around, to linger, delay, or wander about, or to remain, abide, or tarry in a public place.

B. A person commits a Class B municipal offense if he knowingly:

1. Loiters for the purpose of begging; or
2. Loiters for the purpose of unlawful gambling with cards, dice, or other gambling paraphernalia; or
3. Loiters for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual intercourse; or
4. Loiters with intent to interfere with or disrupt the school program or with intent to interfere with or endanger school children, in a school building or on school grounds or within one hundred feet (100') of school grounds when persons under the age of eighteen (18) are present in the building or on the grounds, not having any reason or relationship involving custody of, or responsibility for, a pupil or other specific, legitimate reason for being there, and having been asked to leave by a school administrator or his representative or by a peace officer; or (Amended Ord. 478 §1, 2003)
5. Loiters with one or more persons for the purpose of unlawfully using or possessing a controlled substance, as defined in Section 12-22-303, C.R.S., as amended.

C. It shall be an affirmative defense that the defendant's acts were lawful and he was exercising his rights of lawful assembly as a part of peaceful and orderly petition for the redress of grievances, either in the course of labor disputes or otherwise.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003)

11.06.090 Hindering Transportation. A person commits a Class B municipal offense if he knowingly and without lawful authority forcibly stops or hinders the operation of any vehicle used in providing transportation of any kind to the public or to any person, association, or corporation.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003)

11.06.100 Throwing Missiles. No person shall knowingly throw or shoot any stone, snowball or other missile at or upon any person, animal, motor vehicle, public property or at or upon any building, structure, tree or other private property not belonging to that person. Violation of this Section shall constitute a Class B municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003)

11.06.110 Unlawful to Carry Concealed Weapon.

A. A person commits a Class A municipal offense if he knowingly and unlawfully:

1. Carries a knife concealed on or about his person; or
2. Carries a firearm concealed on or about his person.

B. For the purposes of this Section, a "knife" means any dagger, dirk, knife, or stiletto with a blade over three and one half inches (3 ½") in length, switchblade knife or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds, but does not include a hunting or fishing knife carried for sports use. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense.

C. It shall be an affirmative defense that the defendant was:

1. A person in his own dwelling or place of business or on property owned or under his control at the time of the act of carrying; or

2. A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of his or another's person or property while traveling; or

3. A person who, prior to the time of carrying a concealed firearm, has been issued a written permit pursuant to Section 18-12-201 *et. seq.*, C.R.S., as amended, to carry the firearm, and his actions were authorized by Article 12, Title 18, C.R.S.; or

4. A peace officer, as defined in Section 18-1-901, C.R.S., as amended.

D. Every person convicted of any violation of this Section shall forfeit to the Town of Parachute such weapon so concealed.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003)

11.06.120 Prohibited Use of Weapons.

A. A person commits a Class A municipal offense if:

1. He knowingly and unlawfully displays or aims a firearm at another person; or

2. Not being a peace officer, he knowingly fires or discharges any cannon, gun, pistol, revolver, or any other firearm anywhere within the Town; or

3. He knowingly and unlawfully discharges any air gun, gas operated gun, beebee gun, pellet gun, slingshot, or spring gun anywhere within the Town; or

4. He knowingly and unlawfully sets off, or explodes any firecracker, torpedo ball, rocket or other fireworks, except on the celebration of some holiday or event, by the consent of the Mayor or Town Administrator; or

5. He knowingly and unlawfully explodes or sets off any combustible or explosive material; or

6. He knowingly sets a loaded gun, trap, or device designed to cause explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present; or

7. He has in his possession a firearm while he is under the influence of intoxicating liquor or of a controlled substance, as defined in Section 12-22-303(7), C.R.S., as amended, is no defense to a violation of this subsection. Possession of a permit issued under Section 18-12-105(2)(c), C.R.S., as amended, is no defense to a violation of this subsection; or

B. The Mayor or Town Administrator may grant an exception to this Section, in writing, for contests, sporting events, construction and/or maintenance work. Said permission shall limit the time and place of such firing, and shall be subject to being revoked by the Board of Trustees at any time after the same has been granted.

C. Every person convicted of any violation of this Section shall forfeit to the Town of Parachute such gun, firearm or other weapon used in the violation.

(Ord. 200 §1, 1982; Amended Ord. 226, 1984; Amended Ord. 472 §4, 2003)

11.06.130 Selling Weapons to Intoxicated Persons Prohibited.

A. It shall be unlawful for any person, firm or corporation to knowingly sell, loan, or furnish a gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of intoxicating liquor or of a controlled substance, as defined in Section 12-22-303(7), C.R.S., as amended, or to any person in a condition of agitation and excitability.

B. Any such unlawful sale, loan or furnishing of a weapon shall be grounds for the revocation of any license issued by the Town of Parachute to such person, firm or corporation.

C. Any violation of this Section shall constitute a Class A municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003)

11.06.140 Storage of Explosives Prohibited. It shall be unlawful for any person to knowingly store within the Town limits or within one (1) mile thereof any amount of gun powder, blasting powder, nitroglycerin, dynamite, or other high explosive in excess of one (1) fifty (50) pound box or in excess of five hundred (500) caps of other devices used for the detonation of such high explosives. This Section shall not be deemed to apply to sporting goods businesses and other businesses licensed to store explosives pursuant to law. Violation of this Section shall constitute a Class A municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003)

11.06.150 Reckless Endangerment. A person who recklessly engages in conduct which creates a substantial risk of bodily injury to another person commits reckless endangerment.

Violation of this Section shall constitute a Class A municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003)

11.06.160 Possession of an Illegal Weapon.

A. As used in this Section, the term “illegal weapon” means a blackjack, bomb, firearm, silencer, gas gun, machine gun, short shotgun, short rifle, metallic knuckles, gravity knife, or switchblade knife.

B. It shall be unlawful for a person, other than a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties or a person who has a valid permit and license for such weapon, to knowingly possess an illegal weapon. The exceptions in this subsection (B) shall be an affirmative defense.

C. Any violation of this Section shall constitute a Class A municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §4, 2003)

11.06.170 Reporting Requirements. Any person who observes or becomes aware of actions or conduct which is or may be a violation of Chapter 11.06 of the Parachute Municipal Code shall promptly report the occurrence to the Parachute Police Department.

(Ord. 226, 1984; Amended Ord. 472 §4, 2003)

CHAPTER 11.07

Offenses Against Personal and Real Property.

Sections:

- 11.07.010 Petty Theft.
- 11.07.015 Theft of Rental Property.
- 11.07.017 Fraud by Check.
- 11.07.020 Procuring Food or Accommodations With Intent to Defraud.
- 11.07.030 Injuring or Destroying Public Property.
- 11.07.040 Criminal Mischief.
- 11.07.050 Criminal Trespass.
- 11.07.060 Littering of Public and Private Property.
- 11.07.070 Abandoned Containers.
- 11.07.080 Posting of Handbills and Circulars Prohibited.

11.07.010 Petty Theft.

A. A person commits petty theft when he knowingly obtains or exercises control over anything of a value of five hundred dollars (\$500.00) or less belonging to another without authorization or, if applicable, without paying the purchase price therefor, and knowingly uses, conceals or abandons the thing of value in such a manner as to deprive the other person permanently of its use or benefit.

B. If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or mercantile establishment, whether the concealment be on his own person or otherwise, and whether on or off the premises of said store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to obtain control over a thing of value and intended to deprive the owner permanently of its use or benefit without paying the purchase price therefor.

C. For the purposes of this Section, a thing of value is that of "another" if anyone other than the defendant has a possessory or proprietary interest therein.

D. For the purpose of this Section, when theft occurs from a store, evidence of the retail value of the thing involved shall be prima facie evidence of the value of the thing involved. Evidence offered to establish retail value may include, but shall not be limited to, affixed labels and tags, signs, shelf tags, and notices.

E. Where the value of the thing of value is less than one hundred dollars (\$100.00), petty theft is a Class B municipal offense. Where the value of the thing of value is more than one hundred dollars (\$100.00) but less than five hundred dollars (\$500.00), petty theft is a Class A municipal offense.

F. For the purposes of this Section, in all cases where theft occurs, evidence of the value of the thing involved may be established through the sales price of other similar property any may include, but shall not be limited to, testimony regarding affixed labels and tags, signs, shelf tags, and notices tending to indicate the price of the thing involved. Hearsay evidence shall not be excluded in determining the value of the thing involved.

(Ord. 200 §1, 1982; Amended Ord. 315, 1990; Ord. 472 §5, 2003)

11.07.015 Theft of Rental Property.

A. A person commits theft of rental property if he:

1. Knowingly obtains the temporary use of personal property of another with a value of less than five hundred dollars (\$500.00), which is available only for hire, by means of threat or deception, or knowing that such use is without the consent of the person providing the personal property; or

2. Having lawfully obtained possession for temporary use of the personal property of another with a value of less than five hundred dollars (\$500.00), which is available only for hire, knowingly fails to reveal the whereabouts of or to return said property to the owner thereof or his representative or to the person from whom he has received it within seventy-two (72) hours after the time at which he agreed to return it.

B. For the purposes of this Section, personal property is that of "another" if anyone other than the defendant has a possessory or proprietary interest therein.

C. If a defendant signs a rental agreement or similar agreement for the temporary use of the personal property of another, and said agreement provides that failure to reveal the whereabouts of said property or to return said property within seventy-two (72) hours after the time at which he agreed to return it shall constitute a wrongful or unlawful retention of the rental property, such agreement shall constitute prima facie evidence of the culpable mental state required under subsection (A)(2) of this Section.

D. Any violation of this Section is a Class A municipal offense where the value of the personal property is more than one hundred dollars (\$100.00) and less than five hundred dollars (\$500.00), and a Class B municipal offense if the value of the personal property is less than one hundred dollars (\$100.00).

(Ord. 472 §5, 2003)

11.07.017 Fraud by Check.

A. As used in this Section, unless the context otherwise requires:

1. "Check" means a written, unconditional order to pay a sum certain in money, drawn on a bank or other financial institution payable on demand, and signed by the drawer.

Check, for the purposes of this Section only, also includes a negotiable order or withdrawal and a share draft.

2. “Drawee” means the bank or other financial institution upon which a check is drawn or a bank, savings and loan association, industrial bank, or credit union on which a negotiable order of withdrawal or a share draft is drawn.

3. “Drawer” means a person, either real or fictitious, whose name appears on a check as the primary obligor, whether the actual signature be that of himself or of a person authorized to draw the check on himself.

4. “Insufficient funds” means a drawer has insufficient funds with the drawee to pay a check when the drawer has no checking account, negotiable order of withdrawal account, or share draft account with the drawee or has funds in such an account with the drawee in an amount less than the amount of the check plus the amount of all other checks outstanding at the time of issuance; and a check dishonored for “no account” shall also be deemed to be dishonored for “insufficient funds”.

5. “Issue.” A person issues a check when he makes, draws, delivers, or passes it or causes it to be made, drawn, delivered, or passed.

6. “Negotiable order or withdrawal” and “share draft” mean negotiable or transferable instruments drawn on an account, as the case may be, for the purpose of making payments to third parties or otherwise.

7. “Negotiable order of withdrawal account” means an account in a bank, savings and loan association, or industrial bank, and “share draft account” means an account in a credit union, on which payment of interest or dividends may be made on a deposit with respect to which the bank, savings and loan association, or industrial bank or credit union, as the case may be, may require the depositor to give notice of an intended withdrawal not less than thirty (30) days before the withdrawal is made, even though in practice such notice is not required and the depositor is allowed to make withdrawals by negotiable order of withdrawal or share draft.

B. Any person, knowing he has insufficient funds with the drawee, who, with intent to defraud, issues a check in the sum of less than five hundred dollars (\$500.00) for the payment of services, wages, salary, commission, labor, rent, money, property, or other thing of value, commits the offense of fraud by check. Where the check is in the sum of one hundred dollars (\$100.00) to five hundred dollars (\$500.00), this offense is a Class A municipal offense; if the check is in the sum of less than one hundred dollars (\$100.00), this offense is a Class B municipal offense.

C. Any person having acquired rights with respect to a check which is not paid because the drawer has insufficient funds shall have standing to file a complaint under this Section, whether or not his is the payee, holder, or bearer of the check.

D. Any person who opens a checking account, negotiable order withdrawal account or share draft account using false identification or an assumed name for the purposes of issuing fraudulent checks commits a Class A municipal offense.

E. If a deferred prosecution or judgment and sentence is ordered, the Court as a condition of probation may require the defendant to make restitution on all checks issued by the defendant which are unpaid as of the date of commencement of the probation in addition to other terms and conditions appropriate for the treatment or rehabilitation of the defendant.

F. This Section does not relieve the prosecution from the necessity of establishing the required culpable mental state. However, for purposes of this Section, the issuer's knowledge of insufficient funds is presumed, except in the case of a postdated check or order, if:

1. He has no account upon which the check or order is drawn with the bank or other drawee at the time he issued the check or order; or
2. He has insufficient funds upon deposit with the bank or other drawee to pay the check or order, on presentation within thirty (30) days after issue.

(Ord. 315, 1990; Amended Ord. 472 §5, 2003)

11.07.020 Procuring Food or Accommodations With Intent to Defraud.

A. Any person who, with intent to defraud, procures food or accommodations in any public establishment, without making payment therefor in accordance with his agreement with such public establishment, is guilty of a Class B municipal offense if the total amount due under such agreement is less than five hundred dollars (\$500.00).

B. "Agreement with such public establishment" means any written or verbal agreement as to the price to be charged for, and the acceptance of, food, beverage, service, or accommodations where the price to be charged therefor is printed on a menu or schedule of rates shown to or made available by a public establishment to the patron and includes the acceptance of such food, beverage, service, or accommodations for which a reasonable charge is made.

C. "Public establishment" means any establishment selling or offering for sale prepared food or beverages to the public generally, or any establishment leasing or renting overnight sleeping accommodations to the public generally, including, but not exclusively, restaurants, cafes, dining rooms, lunch counters, coffee shops, boarding houses, hotels, motor hotels, motels, and rooming houses, unless the rental thereof is on a month-to-month basis or a longer period of time.

D. It shall be evidence of an intent to defraud that food, service, or accommodations were given to any person who gave false information concerning his name or address, or both, in obtaining such food, service, or accommodations, or that such person removed or attempted to remove his baggage from the premises of such public establishment without giving notice of his intent to do so to such public establishment. These provisions shall not constitute the sole means of establishing evidence that a person accused under subsection (A) had an intent to defraud. Proof of such intent to

defraud may be made by any facts or circumstances sufficient to establish such intent to defraud beyond a reasonable doubt as provided by law.

(Ord. 200 §1, 1982; Amended Ord. 472 §5, 2003)

11.07.030 Injuring or Destroying Public Property.

A. No person shall intentionally, knowingly, negligently, or recklessly injure, deface, destroy or remove real property or improvements thereto or moveable or personal property belonging to the Town of Parachute.

B. No person shall intentionally, knowingly, negligently, or recklessly tamper with, injure, deface, destroy, or remove any sign, notice, marker, fire alarm box, fire plug, topographical survey monument or any other personal property erected or placed by the Town of Parachute.

C. Any violation of this Section shall constitute a Class A municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §5, 2003)

11.07.040 Criminal Mischief.

A. Any person who intentionally, knowingly, negligently, or recklessly damages, injures, defaces, destroys, removes; or causes, aids in, or permits the damaging, injuring, defacing, destruction, or removal of rental property or improvements thereto, or movable or personal property of another in the course of a single criminal episode where the aggregate damage to the real or personal property is less than five hundred dollars (\$500.00) but more than one hundred dollars (\$100.00) commits a Class A municipal offense; and if the damage is less than one hundred dollars (\$100.00), such person commits a Class B municipal offense.

B. For the purposes of this Section, property shall be deemed to be injured or damaged when physical effort or the expenditure of moneys is required to restore the property to its previous condition.

C. For the purposes of this Section, property shall be deemed to belong to "another," if anyone other than the defendant has a possessory or proprietary interest therein.

(Ord. 200 §1, 1982; Amended Ord. 472 §5, 2003)

11.07.050 Criminal Trespass. A person commits the Class A municipal offense of criminal trespass if he intentionally, knowingly, or willfully:

A. Unlawfully enters or remains in or upon premises which are enclosed in a manner designed to exclude intruders or are fenced or if he unlawfully enters or remains in or upon the premises of a hotel, motel, bar, lounge, restaurant, condominium, or apartment building.

B. Unlawfully enters or remains in or upon any other premises or a motor vehicle.

C. A person “unlawfully enters or remains” in or upon premises when he is not licensed, invited, or otherwise privileged to do so. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of the premises or some other authorized person in charge or control thereof. License or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person or unless notice forbidding entry is given by posting with signs at intervals of not more than four hundred forty (440) yards, or, if there is a readily identifiable entrance to the land, by posting with signs at such entrance to the private land or the forbidden part of the land.

D. As used in this Section, “premises” means real property, buildings, and other improvements thereon.

(Ord. 200 §1, 1982; Amended Ord. 472 §5, 2003)

11.07.060 Littering of Public and Private Property.

A. Any person who knowingly deposits, throws, or leaves any litter on any public or private property or in any waters, or permits the same, commits the Class B municipal offense of littering.

B. It shall be an affirmative defense that:

1. Such property is an area designated by law for the disposal of such material and the person is authorized by the proper public authority to so use the property; or

2. The litter is placed in a receptacle or container installed on such property for that purpose; or

3. Such person is the owner or tenant in lawful possession of such property, or he has first obtained written consent of the owner or tenant in lawful possession, or the act is done under the personal direction of said owner or tenant.

C. The term “litter” as used in this Section means all rubbish, waste material, refuse, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind, and description.

D. The phrase “public or private property” as used in this Section includes, but is not limited to, the right-of-way of any road or highway, any body of water or watercourse, including frozen areas or the shores or beaches thereof, any park, playground, or building, any refuge, conservation or recreation area, and any residential, commercial, farm, or ranch properties.

E. Littering is punishable, upon conviction, by a fine of fifteen dollars (\$15.00) if only one (1) item is deposited, thrown, or left. If two (2) or more items are thrown, deposited, or left, said offense shall be punishable, upon conviction, by a fine of not less than twenty-five dollars (\$25.00).

F. It is in the discretion of the Court, upon the conviction of any person and the imposition of a fine under this Section, to suspend the fine upon the condition that the convicted person gather and remove from specified public property or specified private property, with prior permission of the owner or tenant in lawful possession thereof, any litter found thereon.

G. Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle in violation of this Section, the operator of said motor vehicle is presumed to have caused or permitted the litter to be so thrown, deposited, dropped, or dumped therefrom.

(Ord. 200 §1, 1982; Amended Ord. 472 §5, 2003)

11.07.070 Abandoned Containers. It is a Class A municipal offense for any person to knowingly leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, structure or dwelling under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has a door or lid, snaplock, or other locking device which may not be released from the inside without first removing said door or lid, snaplock or other locking device.

(Ord. 200 §1, 1982; Amended Ord. 472 §5, 2003)

11.07.080 Posting of Handbills and Circulars Prohibited.

A. It is a non-criminal municipal offense for any person to knowingly place, post, erect or paint any handbill, placard, circular, notice, advertising device or matter of any kind upon any public building, structure, or upon any tree, post, pole or other improvement located within a Town right-of-way, park or open space without the prior written permission of the Town Administrator.

B. It is unlawful for any person to knowingly place, post, erect or paint any handbill, placard, circular, notice, advertising device or matter of any kind upon any private residence, fence, tree, store, building, or other private premises without permission from the owner, tenant, or occupant of the same.

(Ord. 472 §5, 2003)

CHAPTER 11.08

Offenses Relating To Intoxicating Liquor and Drugs

Sections:

- 11.08.010 Establishment Restrictions.
- 11.08.020 Warning Display Required.
- 11.08.030 Minors on Premises Prohibited.
- 11.08.040 Exceptions.
- 11.08.050 Distribution To Minors and Others Prohibited.
- 11.08.060 Possession of Open Alcoholic or Fermented Malt Beverage Container Prohibited.
- 11.08.070 Reporting Disturbances.
- 11.08.080 Unlawful Purchase, Possession or Consumption of Alcohol by an Under Age Person.
- 11.08.090 Possession of Marijuana Prohibited.
- 11.08.100 Possession of Drug Paraphernalia Prohibited.
- 11.08.110 Abusing Toxic Vapors Prohibited.

11.08.010 Establishment Restrictions.

A. It shall constitute a Class B municipal offense for the licensee, proprietor, agent or employee of any establishment having a "tavern" license, as defined in the Colorado Liquor Code, to sell malt, vinous, or spirituous liquors for consumption on the premises, to permit or allow the following:

1. Persons under the age of twenty-one (21) years to enter, frequent, visit, or be present in any establishment where fermented malt beverages or malt, vinous, or spirituous liquors are sold for consumption on the premises.

2. Persons, customers, and guests to be in places where fermented malt beverages, malt, vinous, or spirituous liquors are sold for consumption on the premises during the hours and days that State law prohibits the sale, serving or distribution of fermented malt beverages, or malt, vinous, or spirituous liquors.

B. The offense created under this Section shall be one of "strict liability."

C. Affirmative Defense. It shall be affirmative defense to any prosecution for violation of this Section, if said licensee, proprietor, agent or employee of the licensed establishment can establish, by a preponderance of the evidence, that he required a minor to exhibit a State of Colorado operator's license, chauffeur's license, or identification card, prior to entry by said person into the establishment, and said proof of age exhibited was fraudulent and that the fraudulent nature of same was not apparent from a reasonable inspection and scrutiny of the identification tendered.

(Ord. 200 §1, 1982; Amended Ord. 226, 1984; Amended Ord. 401 §2, 1998; Amended Ord. 472 §6, 2003)

11.08.020 Warning Display Required. Every licensee or proprietor of an establishment where fermented malt beverages or malt, vinous, or spirituous liquors are sold for consumption on the premises shall display, at all times in a prominent place near each entry way of the establishment, a printed card with a minimum height of fourteen inches (14") and a width of eleven inches (11"), with each letter to be of a minimum of one-half inch (½") in height, which shall read as follows:

“WARNING

IT IS ILLEGAL TO SELL 3.2 BEER OR WHISKEY, WINE, OR BEER TO ANY PERSON UNDER TWENTY ONE (21) YEARS OF AGE, AND IT IS ILLEGAL FOR ANY PERSON UNDER TWENTY ONE (21) YEARS OF AGE TO POSSESS OR ATTEMPT TO PURCHASE THE SAME.

IT IS ILLEGAL FOR ANY PERSON UNDER TWENTY ONE (21) YEARS OF AGE TO BE IN OR VISIT THIS ESTABLISHMENT.

IF YOU ARE TWENTY ONE (21) YEARS OF AGE OR OLDER, IT IS ILLEGAL FOR YOU TO PURCHASE 3.2 BEER OR WHISKEY, WINE OR BEER FOR A PERSON UNDER TWENTY ONE (21) YEARS OF AGE.

IDENTIFICATION CARDS WHICH APPEAR TO BE FRAUDULENT WHEN PRESENTED BY PURCHASERS MAY BE CONFISCATED BY THIS ESTABLISHMENT AND TURNED OVER TO A LAW ENFORCEMENT AGENCY.

FINES AND IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS.”

Any violation of this Section shall constitute a Non-criminal municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 226, 1984; Amended Ord. 472 §6, 2003)

11.08.030 Minors on Premises Prohibited. It is a non-criminal municipal offense for a minor under the age of twenty-one (21) years to enter, visit, frequent, or be present in any licensed tavern where malt, vinous, or spirituous liquors are sold for consumption on the premises. Said offense shall be one of “strict liability.”

(Ord. 200 §1, 1982; Amended Ord. 226, 1984; Amended Ord. 472 §6, 2003)

11.08.040 Exceptions. Nothing contained in Section 11.08.010 and Section 11.08.030 shall prohibit:

A. Minors from entering the dining room portion of a licensed establishment for the consumption of food, when the dining room portion of said establishment is separated from the bar portion of said establishment by a complete physical barrier;

B. Minors from entering or remaining in the restaurant portion of an establishment, holding a hotel and restaurant liquor license, prior to 8:00 P.M., for the limited purpose of consuming meals actually and regularly served. Provided however, a minor must leave the premises after consuming said meal;

C. Minors from entering or remaining in the restaurant portion of an establishment, holding a fermented malt beverages license for consumption on the premises, prior to 8:00 P.M. for the limited purpose of consuming meals actually and regularly served; provided however, a minor must leave the premises after consuming said meal;

D. Minors from passing through the bar portion of an establishment for the necessary ingress and egress to and from restrooms;

E. Owners or necessary maintenance employees from being in the establishment which they own or where they work;

F. Minors between the age of eighteen (18) and twenty-one (21) who are members of an entertainment group paid or employed by the licensee from being present in a licensed establishment during the period of time they are actually working or performing.

(Ord. 200 §1, 1982; Amended Ord. 226, 1984; Amended Ord. 401 §3, 1998; Amended Ord. 472 §6, 2003)

11.08.050 Distribution To Minors and Others Prohibited. It shall be a Class A municipal offense for any person to sell, serve, give away, dispose of, exchange, procure, or deliver or permit the sale, serving, giving, or procuring of any fermented malt beverages or malt, vinous, or spirituous liquors to or for any person under the age of twenty-one (21) years, to a visibly intoxicated person, or to a known habitual drunkard. Said offense shall be one of "strict liability."

(Ord. 200 §1, 1982; Amended Ord. 226, 1984; Amended Ord. 401 §1, 1998; Amended Ord. 472 §6, 2003)

11.08.060 Possession of Open Alcoholic or Fermented Malt Beverage Container Prohibited.

A. It shall be unlawful for any person to intentionally, knowingly, willfully, or negligently have either in his possession or within a motor vehicle under his control, while in or upon any public street, highway, alley, sidewalk, park, elementary or secondary school building or grounds, or other publicly owned property located within the Town limits, or parking area open to the public, a bottle, can or other receptacle which is open, or which has a broken seal, or the contents of which have been partially removed, and which contains any alcoholic or fermented malt beverage. Any violation of this Section shall constitute a non-criminal municipal offense.

B. Nothing in this Section shall prohibit the consumption, possession or sale of fermented malt beverages when the Mayor has issued a permit therefor; provided, that:

1. Such permit shall be issued only for a designated area;
2. It shall be for a period not to exceed twelve (12) hours; and
3. The Town Administrator shall have determined that the permit shall be necessary for conducting a public event or celebration and that adequate provision has been made for police supervision and area maintenance.

(Ord. 200 §1, 1982; Amended Ord. 226, 1984; Amended Ord. 472 §6, 2003)

11.08.070 Reporting Disturbances. The owner, proprietor, licensee, agent, or employee of any establishment who observes or becomes aware of conduct of a patron of the establishment which is or may be a violation under this Chapter 11.08, shall promptly report such occurrence to the Parachute Police Department.

(Ord. 226, 1984; Amended Ord. 472 §6, 2003)

11.08.080 Unlawful Purchase, Possession or Consumption of Alcohol by an Under Age Person.

A. As used in this Section, unless the context otherwise requires:

1. "Ethyl alcohol" means any substance which is or contains ethyl alcohol.
2. "Possession of ethyl alcohol" means that a person has or holds any amount of ethyl alcohol anywhere on his person, or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his immediate presence and control.

B. 1. Any person under twenty-one (21) years of age who obtains, or attempts to obtain ethyl alcohol by any method in any place where fermented malt beverages or malt, vinous or spirituous liquors are sold commits the municipal offense of illegal purchase of ethyl alcohol by an underage person. Illegal purchase of ethyl alcohol by an underage person is a strict liability offense.

2. Any person under twenty-one (21) years of age who uses any false, fraudulent or altered identification card or makes other misrepresentations of age in order to purchase, or to attempt to purchase, any fermented malt beverage or any malt, vinous or spirituous liquor commits the municipal offense of fraudulent purchase of ethyl alcohol. Said offense is a strict liability offense.

3. Any person under twenty-one (21) years of age who possesses or consumes ethyl alcohol anywhere within the Town commits the municipal offense of illegal possession or consumption of ethyl alcohol by an underage person. Prohibited possession or

consumption of ethyl alcohol by an underage person is a strict liability offense.

4. Upon the first complaint within twelve (12) consecutive months, any person violating this Section shall be deemed guilty of a non-criminal municipal offense. Any person who violates this Section upon a second or subsequent complaint within twelve (12) consecutive months commits a Class B municipal offense. The Court, upon sentencing a defendant pursuant to this Section, may, in addition to any fine or imprisonment, order that the defendant perform up to twenty-four (24) hours of useful public service, and may further order that the defendant submit to and complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program, at such defendant's own expense.

C. It shall be an affirmative defense to the offense described in subsection (B)(3) of this Section that the existence of ethyl alcohol in a person's body was due solely to the ingestion of a confectionery which contained ethyl alcohol within the limits prescribed by Section 25-5-410(1)(I)(II), C.R.S., or the ingestion of any substance which was manufactured, designed, or intended primarily for a purpose other than oral human ingestion, or the ingestion of any substance which was manufactured, designed, or intended solely for medicinal or hygienic purposes, or solely from the ingestion of a beverage which contained less than one-half of one percent (.5%) of ethyl alcohol by weight.

D. The possession or consumption of ethyl alcohol shall not constitute a violation of this Section if such possession or consumption takes place for religious purposes protected by the First Amendment to the United States Constitution.

E. Prima facie evidence of a violation of subsection (B)(3) of this Section shall consist of:

1. Evidence that the defendant was under the age of twenty-one (21) and possessed or consumed ethyl alcohol anywhere in the Town; or

2. Evidence that the defendant was under the age of twenty-one (21) years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in the Town.

F. During any trial for a violation of subsection (B) of this Section, any bottle, can, or any other container with labeling indicating the contents of such bottle, can, or container shall be admissible into evidence, and the information contained on any label on such bottle, can, or other container shall be admissible into evidence and shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can, or other container were composed in whole or in part of ethyl alcohol. A label which identifies the contents of any bottle, can, or other container as "beer", "ale", "malt beverage", "fermented malt beverage", "malt liquor", "wine", "champagne", "whiskey", "gin", "vodka", "tequila", "schnapps", "brandy", "cognac", "liqueur", "cordial", "alcohol", or "liquor" shall constitute prima facie evidence that the contents of the bottle, can, or other container was composed in whole or in part of ethyl alcohol.

G. Upon the expiration of one (1) year from the date of a conviction for a violation of subsection (B) of this Section, any person convicted of such violation may petition the Court for an Order sealing the record of such conviction. The Court shall grant such petition if the petitioner has not been arrested for, charged with, or convicted of any felony, misdemeanor, or petty offense during the period of one (1) year following the date of such petitioner's conviction for a violation of such subsections.

H. The qualitative result of an alcohol test or tests shall be admissible at the trial of any person charged with a violation of subsection (B)(3) of this Section upon a showing that the device or devices used to conduct such test or tests have been approved as accurate in detecting alcohol by the executive director of the Colorado Department of Public Health and Environment.

I. Official records of the Department of Public Health and Environment relating to the certification of breath test instruments, certification of operators and operator instructors of breath test instruments, certification of standard solutions, and certification of laboratories shall be official records admissible in Court and shall constitute prima facie evidence of the information contained in such records.

J. The Court shall take judicial notice of methods of testing a person's blood, breath, saliva, or urine for the presence of alcohol and of the design and operation of devices certified by the Colorado Department of Public Health and Environment for testing a person's blood, breath, saliva, or urine for the presence of alcohol. This subsection shall not prevent the necessity of establishing during a trial that the testing devices were working properly and that such testing devices were properly operated. Nothing in this subsection shall preclude a defendant from offering evidence concerning the accuracy of testing devices.

(Ord. 472 §6, 2003)

11.08.090 Possession of Marijuana Prohibited.

A. Any person who knowingly possesses not more than one (1) ounce of marijuana commits a Non-criminal municipal offense.

B. Any person who does not honor such written promise to appear commits a Class A municipal offense of Failure to Appear in Court.

C. Any person who openly and publicly displays, consumes, or uses not more than one (1) ounce of marijuana commits a Class B municipal offense.

D. As used in this Section, unless the context otherwise requires, "Marijuana" or marijuana means all parts of the plant Cannabis Sativa L, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or its resin. It does not include the mature stalks of the plant, the fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, cake, or sterilized seed of the plant which is incapable of

germination.

E. As used in this Section, unless the context otherwise requires, "Person" means any individual, business, partnership, corporation, association, institution, or other legal entity.

(Ord. 472 §6, 2003)

11.08.100 Possession of Drug Paraphernalia Prohibited. As used in this Section, unless the text otherwise requires:

A. "Drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagation, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injection, ingestion, inhaling, or otherwise introducing into the human body a controlled substance in violation of the laws of this State. "Drug paraphernalia" includes, but is not limited to:

1. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances under circumstances in violation of the laws of this State;
2. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
3. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;
4. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;
5. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
6. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; or
7. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - I. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screen, permanent screens, hashish heads, or punctured metal bowls;
 - II. Water pipes;
 - III. Carburetor tubes and devices;

- IV. Smoking and carburetor masks;
- V. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;
- VI. Miniature cocaine spoons and cocaine vials;
- VII. Chamber pipes;
- VII. Carburetor pipes;
- IX. Electric pipes;
- X. Air-driven pipes;
- XI. Chillums;
- XII. Bongs; or
- XIII. Ice pipes or chillers.

B. In determining whether an object is drug paraphernalia, a court, in its discretion, may consider in addition to all other relevant factors, the following:

- 1. Statements by an owner or by anyone in control of the object concerning its use;
- 2. The proximity of the object to controlled substances;
- 3. The existence of any residue of controlled substances;
- 4. Direct or circumstantial evidence of the knowledge of an owner, or of anyone in control of the object, or evidence that such person reasonably should know, that it will be delivered to persons who he knows or reasonably should know, could use the object to facilitate a violation of Section 9.15.090.
- 5. Instructions, oral or written, provided with the object concerning its use;
- 6. Descriptive materials accompanying the object which explain or depict its use;
- 7. National or local advertising concerning its use;
- 8. The manner in which the object is displayed for sale;

9. Whether the owner, or anyone in control of the object, is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products;

10. The existence and scope of legal uses for the object in the community;

11. Expert testimony concerning its use.

12. In the event a case brought pursuant to Section 9.15.090 is tried before a jury, the Court shall hold an evidentiary hearing on issues raised pursuant to this Section. Such hearing shall be conducted in camera.

C. A person commits the non-criminal municipal offense of possession of drug paraphernalia if he possesses drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of the laws of this Town or State. Possession of drug paraphernalia is a non-criminal municipal offense.

(Ord. 472 §6, 2003)

11.08.110 Abusing Toxic Vapors Prohibited.

A. No person shall knowingly smell or inhale the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system. No person shall knowingly possess, buy, or use any such substance for the purposes described in this subsection (A), nor shall any person knowingly aid any other person to use any such substance for the purposes described in this subsection (A). This subsection (A) shall not apply to the inhalation of anesthesia or other substances for medical or dental purposes.

B. Any person who knowingly violates the provisions of subsection (B) of this Section commits the Class B municipal offense of abusing toxic vapors; except that no person shall receive a sentence to confinement in jail for being convicted of a first offense pursuant to this subsection (B). Any person convicted of a second (2nd) or subsequent offense pursuant to this subsection (B) may receive a sentence to confinement in jail.

C. For the purposes of this Section, the term "toxic vapors" means the following substances or products containing such substances:

1. Alcohols, including methyl, isopropyl, propyl, or butyl;
2. Aliphatic acetates, including ethyl, methyl, propyl, or methyl cellosolve acetate;
3. Acetone;
4. Benzene;

5. Carbon tetrachloride;
6. Cyclohexane;
7. Freons, including Freon 11 and Freon 12;
8. Hexane;
9. Methyl ethyl ketone;
10. Methyl isobutyl ketone;
11. Naphtha;
12. Perchloroethylene;
13. Toluene;
14. Trichloroethane; or
15. Xylene.

D. In a prosecution for a violation of this Section, evidence that a container lists one or more of the substances described in subsection (C) of this Section as one of its ingredients shall be prima facie evidence that the substance in such container contains toxic vapors and emits the fumes thereof.

(Ord. 472 §6, 2003)

CHAPTER 11.10

Offenses Relating to Gambling

Sections:

- 11.10.010 Legislative Declaration - Construction.
- 11.10.020 Definitions.
- 11.10.030 Gambling - Professional Gambling - Offenses.
- 11.10.040 Gambling Devices - Gambling Records - Gambling Proceeds.
- 11.10.050 Possession of a Gambling Device or Record.
- 11.10.060 Gambling Information.
- 11.10.070 Gambling Premises.

11.10.010 Legislative Declaration - Construction.

A. Pursuant to Section 31-15-401(1), C.R.S., as amended, it is declared to be the policy of the Board of Trustees, recognizing the close relationship between professional gambling and other organized crime, to restrain all persons from seeking profit from gambling activities in this Town; to restrain all persons from patronizing such activities when conducted for the profit of any person; to safeguard the public against the evils induced by common gamblers and common gambling houses; and at the same time to preserve the freedom of the press and to avoid restricting participation by individuals in sport and social pastimes which are not for profit, do not affect the public, and do not breach the peace.

B. All the provisions of this Chapter shall be liberally construed to achieve these ends and administered and enforced with a view to carrying out the declaration of policy stated in subsection (A) of this Section.

(Ord. 200 §1, 1982; Amended Ord. 472 §8, 2003)

11.10.020 Definitions. As used in this Chapter, unless the context otherwise requires:

A. "Gain" means the direct realization of winnings; "profit" means any other realized or unrealized benefit, direct or indirect, including without limitation benefits from proprietorship, management, or unequal advantage in a series of transactions.

B. "Gambling" means risking any money, credit, deposit, or other thing of value for gain contingent in whole or in part upon lot, chance, the operation of a gambling device, or the happening or outcome of an event, including a sporting event, over which the person taking a risk has no control but does not include:

1. Bona fide contests of skill, speed, strength, or endurance in which awards are made only to entrants or the owners of entries; or

2. Bona fide business transactions which are valid under the law of contracts; or
3. Other acts or transactions now or hereafter expressly authorized by law; or
4. Any game, wager, or transaction which is incidental to a bona fide social relationship, is participated in by natural persons only, and in which no person is participating, directly or indirectly, in professional gambling.
5. Gambling conducted by an organization pursuant to the provisions of Section 12-47-128(5)(n), C.R.S., or participation in the Colorado Lottery, as authorized by law.

C. "Gambling device" means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any professional gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine.

D. "Gambling information means a communication with respect to any wager made in the course of, and any information intended to be used for, professional gambling. In the application of this definition, the following shall be presumed to be intended for use in professional gambling: Information as to wagers, betting odds, or changes in betting odds. Legitimate news reporting of an event for public dissemination is not gambling information within the meaning of this Chapter.

E. "Gambling premises" means any building, room, enclosure, vehicle, vessel, or other place, whether open or enclosed, used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found is presumed to be intended to be used for professional gambling.

F. "Gambling proceeds" means all money or other things of value at stake or displayed in or in connection with professional gambling.

G. "Gambling record" means any record, receipt, ticket, certificate, token, slip, or notation given, made, used, or intended to be used in connection with professional gambling.

H. "Professional gambling" means:

1. Aiding or inducing another to engage in gambling, with the intent to derive a profit therefrom; or

2. Participating in gambling and having, other than by virtue of skill or luck, a lesser chance of losing or a greater chance of winning than one (1) or more of the other participants.

(Ord. 200 §1, 1982; Amended Ord. 472 §8, 2003)

11.10.030 Gambling - Professional Gambling - Offenses. It is a Class A municipal offense for any person to knowingly engage in gambling or professional gambling.

(Ord. 200 §1, 1982; Amended Ord. 472 §8, 2003)

11.10.040 Gambling Devices - Gambling Records - Gambling Proceeds.

A. Except as provided in subsection (B) of this Section, all gambling devices, gambling records, and gambling proceeds are subject to seizure by any peace officer and may be confiscated and destroyed by order of a court. Gambling proceeds shall be forfeited to the Town and shall be transmitted by Court order to the general fund of the Town.

B. If a gambling device is an antique gambling device and is not operated for gambling purposes for profit or for business purposes, it shall not be confiscated or destroyed pursuant to subsection (A) of this Section. If a gambling device is confiscated and the owner shows that such gambling device is an antique gambling device and is not used for gambling purposes, the Court shall order such gambling device returned to the person from whom it was confiscated. For the purpose of this Section, a gambling device shall be conclusively presumed to be an antique gambling device if it was manufactured prior to 1950.

(Ord. 200 §1, 1982; Amended Ord. 472 §8, 2003)

11.10.050 Possession of a Gambling Device or Record. A person who owns, manufactures, sells, transports, possesses or engages in any transaction designed to affect the ownership, custody, or use of a gambling device or record commits the Class A municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §8, 2003)

11.10.060 Gambling Information.

A. Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore, or other means or knowingly installs or maintains equipment for the transmission or receipt of gambling information commits the Class A municipal offense.

B. Facilities and equipment furnished by a public utility in the regular course of business, and which remain the property of the utility while so furnished, shall not be seized except in connection with an alleged violation of this Chapter by the public utility and shall be forfeited only upon conviction of the public utility therefor.

(Ord. 200 §1, 1982; Amended Ord. 472 §8, 2003)

11.10.070 Gambling Premises. Whoever as owner, lessee, agent, employee, operator, or occupant knowingly maintains, aids, or permits the maintaining of gambling premises for professional gambling commits the Class A municipal offense of maintaining gambling premises.

(Ord. 200 §1, 1982; Amended Ord. 472 §8, 2003)

CHAPTER 11.11

Public Nuisances

Sections:

11.11.010	Definitions - General.
11.11.020	Public Nuisances - Policy.
11.11.030	Public Nuisances - Defined.
11.11.040	Author of Nuisance - Defined.
11.11.050	Jurisdiction - Parties - Process.
11.11.060	Temporary Restraining Order - Preliminary Injunction - When to Issue.
11.11.070	Judgment - Relief.
11.11.080	Redelivery of Seized Premises.
11.11.090	Violation of Injunction.
11.11.100	Fees - Costs and Fines - Liens and Collection.

11.11.010 Definitions. As used in this Chapter, unless the context otherwise requires:

A. "Action to abate a public nuisance" means any action authorized by this Chapter to restrain, remove, terminate, prevent, abate, or perpetually enjoin a public nuisance.

B. "Building" means any house, office building, store, warehouse, or structure of any kind, whether or not such building is permanently affixed to the ground upon which it is situate, and includes any trailer, semi-trailer, trailer coach, mobile home, manufactured home, or other vehicle designed or used for occupancy by persons for any purposes.

(Ord. 200 §1, 1982; Amended Ord. 472 §9, 2003)

11.11.020 Public Nuisances - Policy. It is the policy of the Town of Parachute pursuant to Section 31-15-401(c), C.R.S., as amended, that every public nuisance shall be restrained, prevented, abated, and perpetually enjoined. It is the duty of the Town Attorney to bring and maintain an action, pursuant to the provisions of this Chapter, to restrain, prevent, abate, and perpetually enjoin any such public nuisance. Nothing contained in this Chapter shall be construed as an amendment or repeal of any of the other criminal offenses of this Town, or the repeal of any of the criminal laws of this State, but the provisions of this Chapter, insofar as they relate to those laws, shall be considered a cumulative right of the people in the enforcement of such laws.

(Ord. 200 §1, 1982; Amended Ord. 472 §9, 2003)

11.11.030 Public Nuisances - Defined. The following are deemed to be a public nuisance:

A. Any place where people congregate, which encourages the disturbance of the peace, or where the conduct of persons in or about that place is such as to annoy or disturb the peace of the

occupants of or persons attending such place, or the residents in the vicinity, or the passerby on the public streets or highways; or

B. Any public or private place or premises which encourages professional gambling, unlawful use of drugs, unlawful sale or distribution of drugs, furnishing or selling intoxicating liquor to minors, furnishing or selling fermented malt beverages to persons under the age of twenty-one (21), solicitation for prostitution, or trafficking in stolen property; or

C. Any offensive or unwholesome business or establishment, or any business or establishment carried on in a manner dangerous to the public health, safety, or welfare within the Town or within one (1) mile beyond the outer limits of the Town; or

D. Any building, fence, structure, or land within the Town, the condition of which presents a substantial danger or hazard to public health or safety; or

E. Any dilapidated building of whatever kind which is unused by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard or subjects adjoining property to danger of damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter; or

F. Any unlawful pollution or contamination of any surface or subsurface waters in this Town or of the air, or any water, substance or material intended for human consumption, but no action shall be brought under this subsection if the State Department of Public Health and Environment or any other agency of the State of Colorado charged by and acting pursuant to statute or duly adopted regulation has assumed jurisdiction by the institution of proceedings on that pollution or contamination; or

G. Any cellar, vault, sewer, drain, place, property, or premises within the Town which is damp, unwholesome, nauseous, offensive, or filthy, or which is covered for any portion of the year with stagnant or impure water, or which is in such condition so as to produce unwholesome or offensive odors, or which is injurious to the public health; or

H. Permitting any garbage container to remain on a premises when it has become unclean, offensive, or which is injurious to the public health; or

I. Allowing vegetable or animal waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard, or area except when it is temporarily deposited for immediate removal; or

J. Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard, or in any other building or area in which any animals are kept; or

K. Permitting any slaughterhouse, market, meat shop, stable, feed yard, or other place or building wherein any animals are slaughtered, kept, fed, or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed; or

L. Discharging or placing any offensive water, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal, or any vacant lot or which as the result of continued discharge will render the place of discharge offensive or likely to become so; or

M. Keeping or collecting any stale or putrid grease or other offensive matter; or

N. Having or permitting upon any premises any fly - or mosquito - producing condition;
or

O. Keeping any drinking vessel for public use without providing a method of decontamination between uses; or

P. Any toilet or sanitary sewer facilities not constructed and maintained in accordance with the ordinances of the Town; or

Q. Neglecting or refusing to discontinue use of, clean out, disinfect, and fill up all privy vaults, septic tanks and cesspools or other individual waste water disposal systems within twenty (20) days after notice from any enforcement officer or official of the Town; or

R. Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalk, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the Town; or

S. The maintenance of any drainage system, canal, ditch, conduit or other water course of any kind or nature, natural or artificial, in a manner so as to become so obstructed so as to cause the water to backup and overflow therefrom, or to become unsanitary; or

T. Any use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly, which includes, but is not limited to, keeping or depositing on, or scattering over the premises, lumber, junk, trash, debris, or abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers; or

U. Unsheltered storage of old, unused, stripped and junked machinery, implements, or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junkyards) within the Town; or

V. Any building, land, premises, or business, occupation or activity, operation, or condition which, after being ordered abated, corrected, or discontinued by lawful order of the Town or any officer thereof, continues to be conducted or continues to exist in violation of:

1. Any ordinance of this Town;

2. Any regulation enacted pursuant to the authority of an ordinance of this Town;

or

W. Those offenses which are known to the common law of the land and the statutes of Colorado as nuisances when the same exist within the Town limits or within a mile thereof.

(Ord. 200 §1, 1982; Amended Ord. 472 §9, 2003)

11.11.040 Author of Nuisance - Defined. Where a nuisance exists upon property and is the outgrowth of the usual, natural, or necessary use of the property, the owner or his agent, the tenant or his agent, and all other persons having control of the property on which such nuisance exists shall be deemed to be authors thereof and shall be jointly and equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereof conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors.

(Ord. 200 §1, 1982; Amended Ord. 472 §9, 2003)

11.11.050 Jurisdiction - Parties - Process.

- A. An action to abate a public nuisance shall be brought in Municipal Court.
- B. Except as otherwise may be provided in this Chapter, the practice and procedure in an action to abate a public nuisance shall be governed by the Colorado Rules of Civil Procedure.
- C. An action to abate a public nuisance may be brought by the Town Attorney in the name of the People of the State of Colorado and the Town of Parachute.
- D. An action to abate a public nuisance, and any action in which a temporary restraining order, temporary writ of injunction, or preliminary injunction is requested, shall be commenced by the filing of a complaint, which shall be verified or supported by affidavit. A summons shall be issued and served as in civil cases.

(Ord. 200 §1, 1982; Amended Ord. 472 §9, 2003)

11.11.060 Temporary Restraining Order - Preliminary Injunction - When to Issue.

- A. If the existence of a public nuisance is shown in such action to the satisfaction of the Municipal Court or Judge thereof, either by verified complaint or affidavit, the Court or Judge may issue a temporary restraining order to abate and prevent the continuance or reoccurrence of the nuisance. Such temporary restraining order may direct the Chief of Police or any police officer to seize and close the public nuisance and to keep the same effectually closed against its use for any purpose, until further order of the Court. While the temporary restraining order remains in effect, the building or place seized and closed shall remain in the custody of the Court. Within ten (10) days following the filing of a motion of any person adversely affected by a temporary restraining order, the Court shall conduct a hearing and determine whether the temporary restraining order shall be continued pending final determination of the action.

B. The Court may, as part of a preliminary injunction, direct the Chief of Police or any police officer to seize and close such public nuisance and to keep the same effectually closed against its use for any purpose, until further order of the Court. While the preliminary injunction remains in effect, the building or place seized and closed shall be subject to the orders of the Court. Preliminary injunctions may issue as provided by the Colorado Rules of Civil Procedure. No bond or security shall be required of the Town Attorney or the People of the State or the Town in any action to abate a public nuisance.

(Ord. 200 §1, 1982; Amended Ord. 472 §9, 2003)

11.11.070 Judgment - Relief.

A. The judgment in an action to abate a public nuisance may include a permanent injunction to restrain, abate, and prevent the continuance or reoccurrence of the nuisance. The Court may grant declaratory relief, mandatory orders, or any other relief deemed necessary to accomplish the purposes of the injunction and enforce the same, and the Court may retain jurisdiction of the case for the purpose of enforcing its order.

B. The judgment in an action to abate a public nuisance may include an order directing the Chief of Police or any police officer to seize and close the public nuisance, and to keep the same effectually closed until further order of the Court, not to exceed ninety (90) days from the date of the order.

C. The judgment in an action to abate a public nuisance may include, in addition to or in the alternative to other injunctive relief, an order requiring the removal, correction, or other abatement of a public nuisance, in whole or in part, by the Chief of Police or any police officer at the expense of the owner or operator of the public nuisance.

D. The judgment in an action to abate a public nuisance may include, in addition to or in the alternative to any other relief authorized by the provisions of this Chapter, the imposition of a fine of not more than five hundred dollars (\$500.00), conditioned upon failure or refusal of compliance with the orders of the Court within any time limits therein fixed.

(Ord. 200 §1, 1982; Amended Ord. 472 §9, 2003)

11.11.080 Redelivery of Seized Premises. If the owner or operator of a building or place seized and closed as a public nuisance has not been guilty of any contempt of Court in the proceedings, and demonstrates by evidence satisfactory to the Court that the public nuisance has been abated and will not reoccur, the Court may order the premises delivered to the owner or operator. As a condition of such order, the Court may require the posting of bond, in an amount fixed by the order by the Court, for the faithful performance of the obligation of the owner or operator thereunder to prevent recurrence or continuance of the public nuisance.

(Ord. 200 §1, 1982; Amended Ord. 472 §9, 2003)

11.11.090 Violation of Injunction. Any violation or disobedience of any injunction or order issued by the Municipal Court in an action to abate a public nuisance shall constitute a Class A municipal offense. The Court may treat each day on which the violation or disobedience of an injunction or order continues or recurs as a separate offense.

(Ord. 200 §1, 1982; Amended Ord. 323 §3, 1991; Amended Ord. 472 §9, 2003)

11.11.100 Fees - Costs and Fines - Liens and Collection. A. For seizing and closing any building or premises as provided in this Chapter, or for performing other duties pursuant to the direction of the Court pursuant to the provisions of this Chapter, the Town shall be entitled to a reasonable sum fixed by the Court, in addition to the actual costs incurred or expended.

B. All fees and costs allowed by the provisions of this Section, the costs of a Court action to abate any public nuisance, and all fines levied by the Court in contempt proceedings incident to any action to abate a public nuisance shall be a first and prior lien upon any real property seized or closed under the provisions of this Chapter, and the same shall be enforceable and collectible by execution issued by Order of the Court, from the property of any person liable therefor.

C. Nothing in this Chapter shall be construed in such a manner as to destroy the validity of a bona fide lien upon real or personal property appearing of record prior to recording of Court orders involving real estate as authorized under this Chapter.

(Ord. 200 §1, 1982; Amended Ord. 472 §9, 2003)

CHAPTER 11.12

Offenses Relating to Governmental Operations

Sections:

- 11.12.010 Obstructing Government Operations.
- 11.12.020 Resisting or Interfering With a Peace Officer.
- 11.12.030 Obstructing a Peace Officer or Fireman.
- 11.12.040 Accessory to Crime.
- 11.12.050 Refusal to Permit Inspection.
- 11.12.060 Refusing to Aid a Peace Officer.
- 11.12.070 Compounding.
- 11.12.080 False Reporting to Authorities.
- 11.12.090 Impersonating a Public Servant.
- 11.12.100 Aiding Escape.
- 11.12.110 Escapes.
- 11.12.120 Attempt to Escape.
- 11.12.130 Failure to Appear in Court.
- 11.12.140 Smoking in Town Hall Prohibited.

11.12.010 Obstructing Government Operations. A. A person commits the Class A municipal offense of obstructing governmental operations if he intentionally obstructs, impairs, or hinders the performance of a governmental function by a public servant, by using or threatening to use violence, force, or physical interference or obstacle. "Public servant" as used herein, means any officer or employee of the Town of Parachute, whether elected or appointed, or otherwise performing a governmental function of the Town, but does not include peace officers or witnesses.

B. It shall be an affirmative defense that:

1. The obstruction, impairment, or hindrance was an unlawful action by a public servant; or
2. The obstruction, impairment or hindrance of a governmental function was by lawful activities in connection with a labor dispute with the government.

(Ord. 200 §1, 1982; Amended Ord. 472 §10, 2003)

11.12.020 Resisting or Interfering With a Peace Officer. It is unlawful to resist arrest or interfere with a peace officer.

A. Resisting arrest. A person resists arrest if he knowingly prevents or attempts to prevent a peace officer, acting under color of his official authority, from effecting the actor's arrest by:

1. Using or threatening to use physical force or violence against the peace officer; or

2. Using any other means which creates a risk of physical injury to the peace officer or another.

B. Interfering with a Peace Officer. A person interferes with a peace officer if he knowingly prevents or attempts to prevent a peace officer, acting under color of his official authority, from effecting an arrest or pursuing an investigation, by:

1. Using or threatening to use physical force or violence against the peace officer or another; or

2. Refusing or disobeying a request by the peace officer to withdraw from the immediate area of the peace officer to a reasonable distance from the officer to allow the peace officer to effect the arrest or pursue the investigation; or

3. Using any other means which create a risk of physical injury to the peace officer or another.

C. It is no defense to a prosecution under this Section that the peace officer was attempting to make an arrest or pursue an investigation which in fact was unlawful, if he was acting under color of his official authority. A peace officer acts under the color of his official authority when, in the regular course of his assigned duties, he is called upon to make, and does make a judgment in good faith based upon surrounding facts and circumstances that an arrest or investigation should be made by him.

D. The term "peace officer," as used in this Section, means the Chief of Police or any police officer in uniform or if out of uniform, one who has identified himself by exhibiting his credentials as the Parachute Chief of Police or a police officer to the actor, or one whom the actor knew was a Town peace officer at the time of the alleged offense.

E. Any violation of this Section shall constitute a Class A municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §10, 2003)

11.12.030 Obstructing of a Fireman.

A. A person commits the Class A offense of obstructing a fireman when, by using or threatening to use violence, force, or physical interference, or obstacle, he knowingly obstructs, impairs, or hinders the prevention, control, or abatement of fire by a firefighter, acting under color of his official authority.

(Ord. 200 §1, 1982; Amended Ord. 472 §10, 2003; Amended Ord. 623 §1, 2010)

11.12.040 Accessory to Crime.

A. A person is an accessory to crime if, with intent to hinder, delay, or prevent the discovery, detection, apprehension, prosecution, conviction, or punishment of another for the commission of a crime under the Parachute Municipal Code, he renders assistance to such person.

B. "Render assistance" means to:

1. Harbor or conceal the other; or
2. Warn such person of impending discovery or apprehension; except that this does not apply to a warning given in an effort to bring such person into compliance with the law; or
3. Provide such person with money, transportation, weapon, disguise, or other thing to be used in avoiding discovery or apprehension; or
4. By force, intimidation, or deception, obstruct anyone in the performance of any act which might aid in the discovery, detection, apprehension, prosecution, conviction, or punishment of such person; or
5. Conceal, destroy, or alter any physical evidence that might aid in the discovery, detection, apprehension, prosecution, conviction, or punishment of such person.

C. Any violation of this Section shall constitute a Class B municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §10, 2003)

11.12.050 Refusal to Permit Inspection.

A. A person commits a Class B municipal offense if, knowing that a public servant, as defined in Section 11.12.010, is legally authorized to inspect property:

1. He refuses to produce or make available the property for inspection at a reasonable hour; or
2. If the property is available for inspection he refuses to permit the inspection at a reasonable hour.

B. For the purposes of this Section, "property" means any real or personal property, including books, records, and documents which are owned, possessed, or otherwise subject to the control of the defendant. A "legally authorized inspection" means any lawful search, sampling, testing, or other examination of property, in connection with the regulation of a business or occupation, that is authorized by a Parachute Town ordinance or lawful regulatory provision.

(Ord. 200 §1, 1982; Amended Ord. 472 §10, 2003)

11.12.060 Refusing to Aid a Peace Officer. A person, eighteen (18) years of age or older, commits a Class A municipal offense when, upon command by a person known to him to be a peace officer, he unreasonably refuses or fails to aid the peace officer in effecting or securing an arrest or preventing the commission by another of any offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §10, 2003)

11.12.070 Compounding.

A. A person commits the Class A municipal offense of compounding if he accepts or agrees to accept any pecuniary benefit as consideration for:

1. Refraining from seeking prosecution of an offender; or
2. Refraining from reporting to law enforcement authorities the commission or suspected commission of any municipal offense or information relating to a municipal offense.

B. It is an affirmative defense to prosecution under this Section that the benefit received by the defendant did not exceed an amount which the defendant reasonably believed to be due as restitution or indemnification for harm caused by the offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §10, 2003)

11.12.080 False Reporting to Authorities. A person commits the Class B municipal offense of false reporting to authorities, if:

A. He knowingly causes a false alarm of fire or other emergency to be transmitted to or within an official or volunteer fire department, ambulance service, or any other government agency which deals with emergencies involving danger to life or property; or

B. He knowingly makes a report or knowingly causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern when he knows that it did not occur; or

C. He knowingly makes a report or knowingly causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when he knows that he has no such information or knows that the information is false.

(Ord. 200 §1, 1982; Amended Ord. 472 §10, 2003)

11.12.090 Impersonating a Public Servant.

A. A person commits the Class A municipal offense of impersonating a public servant if he knowingly and falsely pretends to be a public servant, as defined in Section 11.12.010, other than a peace officer, and performs any act in that pretended capacity.

B. It is no defense to a prosecution under this Section that the office the actor pretended to hold did not in fact exist.

(Ord. 200 §1, 1982; Amended Ord. 472 §10, 2003)

11.12.100 Aiding Escape.

A. Any person who knowingly aids, abets, or assists another person in custody or confinement and charged with, held for, or convicted of a municipal offense, to escape or attempt to escape from custody or confinement commits the Class A municipal offense of aiding escape.

B. "Escape" is deemed to be a continuing activity commencing with the conception of the design to escape and continuing until the escapee is returned to custody or the attempt to escape is thwarted or abandoned.

C. "Assist" includes any activity characterized as "rendering assistance" in Section 11.12.040.

(Ord. 200 §1, 1982; Amended Ord. 472 §10, 2003)

11.12.110 Escapes.

A. A person commits a Class A municipal offense if, while being in custody or confinement and held for or charged with a municipal offense, or while being in custody or confinement under a sentence following conviction of a municipal offense, he knowingly escapes from said place of custody or confinement.

B. Upon conviction of the offense of escape, said person shall be punished by imprisonment in the county jail for not less than one (1) month nor more than three (3) months. Any sentence imposed following conviction of this offense shall run consecutively and not concurrently with any sentence which the offender was serving at the time of the escape.

(Ord. 200 §1, 1982; Amended Ord. 472 §10, 2003)

11.12.120 Attempt to Escape. If a person, while in custody or confinement and held for or charged with a municipal offense, or while in custody or confinement following conviction of a municipal offense, knowingly attempts to escape from said custody or confinement, he is guilty of a Class A municipal offense, and, upon conviction thereof, shall be punished by imprisonment for not less than one (1) month. Any sentence imposed pursuant to this Section shall run consecutively with any other sentences being served by the offender.

(Ord. 200 §1, 1982; Amended Ord. 472 §10, 2003)

11.12.130 Failure to Appear in Court.

A. It is unlawful for any person to knowingly fail to appear in the Parachute Municipal Court to answer any offense pursuant to a summons and complaint or penalty assessment notice issued to said person at the time and place specified in such summons and complaint or penalty assessment notice, unless said person has paid the penalty assessment as permitted by law; and it is unlawful for such person to knowingly fail to appear for any subsequent proceedings in such case.

B. A person who is released on bail bond of whatever kind, and either before, during, or after release is accused by a complaint of any offense contained in this Code arising from the conduct for which he was arrested, commits a criminal offense if he knowingly fails to appear for trial or other proceedings in the Parachute Municipal Court in the case in which the bail bond was filed.

C. Any person who violates this Section commits a Class A municipal offense. Any such sentence shall be served consecutively to any sentence for the offense on which the person failed to appear or was on bail.

(Ord. 472 §10, 2003)

11.12.140 Smoking in Town Hall Prohibited.

A. Smoking is prohibited anywhere, at any time, in the Parachute Town Hall, 222 Grand Valley Way, Parachute, Colorado. The Town Administrator shall post notices that smoking is prohibited in conspicuous places at the Town Hall.

B. "Smoking" means the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, and includes the lighting of a pipe, cigar, or cigarette of any kind.

C. Any person who violates any of the provisions of this Section commits a non-criminal municipal offense.

(Ord. 373 §§1, 2, 3, 4, 1996; Amended Ord. 472 §10, 2003)

CHAPTER 11.13

Offenses Relating to Juveniles

Sections:

- 11.13.010 Curfew for Minors.
- 11.13.020 Responsibility of Parents or Guardians.
- 11.13.030 Aiding or Abetting.

11.13.010 Curfew for Minors.

A. It is unlawful for any child under the age of eighteen (18) years to knowingly wander, loiter, idle, or play in or upon any public street, highway, road, alley, or other public ground, public place, or public building, vacant lot, or other unsupervised place subsequent to the hour of 11:00 p.m. or prior to the hour of 5:00 a.m. except for lawful employment, an emergency errand or legitimate business directed by his parent, guardian or other adult person having the care and custody of the child, or unless such child is accompanied by the parent, guardian, or other person of the age of twenty-one (21) years, having express permission of the parent or guardian to have temporary custody and care of such child.

B. Violation of this Section shall constitute a non-criminal municipal offense. Each violation of the provisions of this Section shall constitute a separate offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §11, 2003)

11.13.020 Responsibility of Parents or Guardians.

A. It is unlawful for a parent, guardian, or other person having care or custody of any child under the age of eighteen (18) years to intentionally, knowingly, or recklessly allow or permit any such child to loiter, wander, idle or play in or upon a public street, highway, road, alley, or other public ground, public place, or public building, vacant lot, or other unsupervised place in violation of the provisions of Section 11.13.010 of this Chapter.

B. The fact that the child is upon the street, highway, road, alley, or other public ground, public place, public building, vacant lot, or other unsupervised place contrary to the provisions of Section 11.13.010 of this Chapter shall be prima facie evidence that the parent, guardian, or other person having custody of the child, is guilty of violating this Title.

C. Any violation of this Section shall constitute a Class B municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §11, 2003)

11.13.030 Aiding or Abetting. Any person who knowingly permits any minor child or children to aid, abet, or encourage in; or to approve, encourage, allow, permit, tolerate or

consent to the violation by any minor child or children of any provisions of this Title or any other ordinances of the Town; commits a Class B municipal offense.

(Ord. 200 §1, 1982; Amended Ord. 472 §11 2003)

CHAPTER 11.14

Possession of Tobacco Products By Minors

Sections:

- 11.14.010 Definitions.
- 11.14.020 Furnishing Tobacco Products to Minors Unlawful.
- 11.14.030 Purchase or Possession of Tobacco Products by Minors Unlawful.
- 11.14.040 Restrictions on Vending Machines Which Sell Tobacco Products.
- 11.14.050 Warning Sign Required.

11.14.010 Definitions. For the purposes of this Chapter, the term “tobacco products” means cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine cut and other tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or for smoking in a pipe or otherwise, or both for chewing or smoking.

(Ord. 375 §, 1996; Amended Ord. 472 §14, 2003)

11.14.020 Furnishing Tobacco Products to Minors Unlawful. Any person who knowingly furnishes to any person who is under eighteen (18) years of age, by gift, sale, or any other means, any cigarettes or tobacco products commits a Class B municipal offense. It shall be an affirmative defense to a prosecution under this Section that the person furnishing the tobacco products was presented with and reasonably relied upon a document which identified the person receiving the tobacco product as being eighteen (18) years of age or older.

(Ord. 375 §, 1996; Amended Ord. 472 §14, 2003)

11.14.030 Purchase or Possession of Tobacco Products By Minors Unlawful. Any person who is under eighteen (18) years of age and who possesses, purchases or acquires any cigarettes or tobacco products, commits a Class B municipal offense.

(Ord. 375 §, 1996; Amended Ord. 472 §14, 2003)

11.14.040 Restrictions on Vending Machines Which Sell Tobacco Products. Any person who sells or offers to sell any cigarettes or tobacco products, as defined in Section 11.14.010, in a vending machine or other coin operated machine commits a Class B municipal offense, except that cigarettes may be sold at retail through vending machines in the following places:

- A. Factories, businesses, offices, or other places not opened to the general public;
- B. Places to which persons under the age of eighteen (18) years of age are not permitted access; and

C. Places where the vending machine is under the direct supervision of the owner of the establishment or an adult employee of the owner, including but not limited to, establishments holding a valid liquor license issued pursuant to Article 47 of Title 12, C.R.S.

D. As used in subsection (C) of this Section, "under direct supervision" means the vending machine shall be in plain view of the business owner or an employee at all times when the vending machine is accessible by the public.

(Ord. 375 §, 1996; Amended Ord. 472 §14, 2003)

11.14.050 **Warning Sign Required.** Any person who sells or offers to sell any cigarettes or tobacco products shall display a warning sign, as specified in this Section. Any person who fails to display said warning sign commits a Class B municipal offense. Said warning sign shall be displayed in a prominent place in the store or building, or near the vending machine, and shall have a minimum height of three inches (3") and a width of six inches (6"), and shall read as follows:

WARNING

**"IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE
TO PURCHASE CIGARETTES AND TOBACCO PRODUCTS AND UPON
CONVICTION A FINE MAY BE IMPOSED."**

This sign shall be posted in lieu of the sign required by Section 18-13-121(4), C.R.S.

(Ord. 375 §, 1996; Amended Ord. 472 §14, 2003)

CHAPTER 11.15

Graffiti

Sections:

- 11.15.010 Definitions.
- 11.15.020 Application and Removal of Graffiti.
- 11.15.030 Sale and Possession of Prohibited Graffiti Material.
- 11.15.040 Warning Signs Required.
- 11.15.050 Affirmative Defenses.
- 11.15.060 Penalties for Violations.

11.15.010 Definitions. For the purpose of this Chapter:

A. "Graffiti" means the defacing of public or private property without the consent of the property owner by means of any method of defacement, including but not limited to painting, drawing, writing, etching, carving or otherwise marring the surface of the property by use of paint, spray paint, ink or any other substance or object.

B. "Prohibited graffiti material" means and includes spray paint, spray paint nozzles, glass cutting tools and glass etching tools or instruments.

C. "Spray paint" means any aerosol container that is made or adapted for the purpose of applying paint or other substance capable of defacing property.

D. "Spray nozzle" means a nozzle designed to deliver a spray of paint of a particular width or flow form a can of spray paint.

11.15.020 Application and Removal of Graffiti.

A. It is unlawful for any person to deface public or private property with graffiti.

B. Upon conviction of a violation of this Section, in addition to any other penalty allowed by the law, the Municipal Court may order the defendant to personally make repairs to the damaged property, or may enter an order authorizing the Town to enter upon the property and remove the graffiti, assessing the cost of removal against the defendant.

C. The Town may order the occupant or owner of any property on which graffiti is found to remove the graffiti, at the occupant or owner's sole expense, within twenty-four (24) hours, or such additional time as determined by the Town. It is unlawful for any occupant or owner of property on which graffiti is found to fail to remove or cause to be removed graffiti as directed by the Town.

11.15.030 Sale and Possession of Prohibited Graffiti Materials.

A. Possession. It is unlawful for any minor (any person under 18 years of age), except under the direct supervision of such minor's parent, legal guardian, school teacher, tutor, counselor, art instructor or law enforcement officer, to purchase, obtain, possess or attempt to purchase, obtain or possess any prohibited graffiti materials.

B. Contributing to Unlawful Possession. It is unlawful for any person, except a law enforcement officer in performance of official duties, to knowingly allow a minor to possess prohibited graffiti materials upon any real property unaccompanied by such minor's parent, legal guardian, school teacher, tutor, counselor, art instructor or law enforcement officer.

C. It is unlawful for any person, other than a parent or legal guardian, school teacher, tutor, counselor, art instructor or law enforcement officer, to sell, exchange, give, deliver, loan or otherwise furnish or cause to be sold, exchanged, delivered, loaned or otherwise furnished any prohibited graffiti material to any minor unless the minor is accompanied by his or her parent, legal guardian, school teacher, tutor, counselor, art instructor or law enforcement officer.

11.15.040 Signs Required.

Signs Required. It is unlawful for any person who sells or offers for sale any prohibited graffiti material to fail to display a warning sign in a prominent place in the building at all times. Such warning sign shall have a minimum height of fourteen inches (14") and a minimum width of eleven inches (11") shall use capital lettering of at least one-half (½) of one inch (1") in height, and shall read as follows:

WARNING: IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO PURCHASE OR POSSESS ANY SPRAY PAINT, SPRAY PAINT NOZZLE, GLASS CUTTING TOOL OR INSTRUMENT, UNLESS ACCOMPANIED BY HIS OR HER PARENT, LEGAL GUARDIAN, SCHOOL TEACHER, TUTOR, COUNSELOR, ART INSTRUCTOR OR LAW ENFORCEMENT OFFICER, AND UPON CONVICTION, A FINE OF UP TO \$500.00 MAY BE IMPOSED.

11.15.050 Affirmative Defenses. It shall be an affirmative defense to an alleged violation of Section 11.15.030(A) or (B) hereof that the minor possessing the prohibited graffiti materials was:

- A. Within his or her residence;
- B. At his or her place of employment; or
- C. Upon real property with permission from the owner, occupant or person having lawful control of such property to possess such materials.

It shall be an affirmative defense to an alleged violation of Section 11.15.030 hereof that the

person charged is an employer and;

- A. Has adopted and enforces a written policy against selling prohibited graffiti materials to minors;
- B. Requires employees to verify the age of purchasers of prohibited graffiti materials by way of photo identification; and
- C. Has established and imposes sanctions for noncompliance.

11.15.060 Penalties for Violations. As provided in Section 11.01.030 of the Parachute Municipal Code, any person, firm or corporation who violates any of the provisions of this Chapter shall be punished as follows:

- A. A violation of Section 11.15.020(A) is a Class A municipal offense.
- B. A violation of Section 11.15.040 is a non-criminal municipal offense.
- C. All other violations of the provisions of this Chapter is a Class B municipal offense.

(Ord. 510 §1, 2005)